

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

Case No.

UBER TECHNOLOGIES, INC.;

3:17-cv-00939-WHA

OTTOMOTTO LLC; OTTO TRUCKING,

INC.,

Defendants.

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HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

VIDEOTAPED DEPOSITION OF CHELSEA BAILEY

PALO ALTO, CALIFORNIA

TUESDAY, AUGUST 1, 2017

BY: ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR ~

CSR LICENSE NO. 9830

JOB NO. 2668970

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1 sought legal counsel in terms of how to follow up on 17:06
2 the business' request to do diligence. 17:06
3 MR. TAKASHIMA: Okay. 17:06
4 Q Who initiated the -- the investigation of 17:06
5 Mr. Levandowski? 17:06
6 MS. ROBERTS: Objection; form. 17:06
7 And again, I'll caution you not to reveal 17:06
8 anything you learned from counsel. 17:06
9 THE WITNESS: Yeah, I believe the information 17:06
10 that you're requesting could be privileged. 17:06
11 MR. TAKASHIMA: Q. Did counsel 17:06
12 investi- -- initiate the investigation of 17:06
13 Mr. Levandowski? 17:06
14 MS. ROBERTS: Objection; form and same 17:06
15 instruction. 17:07
16 THE WITNESS: I'm not at liberty to reveal 17:07
17 any advice I received from counsel. 17:07
18 MR. TAKASHIMA: Okay. 17:07
19 Q Did you initiate the investigation of 17:07
20 Mr. Levandowski? 17:07
21 MS. ROBERTS: Objection; form. 17:07
22 THE WITNESS: No. I received a request from 17:07
23 the business to diligence. And I reached out to 17:07
24 counsel seeking advice on how to action such a 17:07
25 request. 17:07

1 a privileged conversation. 18:02

2 MR. TAKASHIMA: Q. So, is it your testimony 18:02

3 that you only know the scope of the investigation -- 18:02

4 sorry. Strike that. 18:02

5 Is it your testimony that you only know who 18:02

6 defined the scope of the investigation based on a 18:02

7 privileged conversation you had with counsel? 18:03

8 A Yes. 18:03

9 Q Okay. Who was that counsel? 18:03

10 A Andrew Price. 18:03

11 Q What is Mr. Price's job title? 18:03

12 A That is a great question. I'm not sure I'm 18:03

13 familiar with his specific title. 18:03

14 Q Is he employed by Google? 18:03

15 A Yes. 18:03

16 Q Okay. Is he employed by a specific group 18:03

17 within Google? 18:03

18 A I believe he works closely with ethics and 18:03

19 compliance. 18:03

20 Q Who does Mr. Price report to? 18:03

21 A Uncertain, yeah. 18:03

22 Q When the investigation of Mr. Levandowski 18:03

23 began, what was the scope of that investigation? 18:03

24 MS. ROBERTS: Again, I'm going to object. 18:03

25 I instruct you not to answer to the extent 18:03

1 that calls for information that you only know from 18:03
2 counsel. 18:03
3 THE WITNESS: I only know because of a 18:04
4 privileged conversation with counsel. 18:04
5 MR. TAKASHIMA: Okay. 18:04
6 Q So, you're refusing to answer the question 18:04
7 based on privilege? 18:04
8 A Yes, sir. 18:04
9 Q Okay. What was the first step in the 18:04
10 investigation of Mr. Levandowski? 18:04
11 MS. ROBERTS: Objection; form. 18:04
12 And again, I'm going to -- to the extent this 18:04
13 is information you learned from counsel, I'll object 18:04
14 on the basis of privilege. 18:04
15 THE WITNESS: The investigation was at the 18:04
16 advice of counsel, and so that's privileged. 18:04
17 MR. TAKASHIMA: Q. So you're declining to 18:04
18 answer the question based on privilege, just to be 18:04
19 clear? 18:04
20 A Yes. 18:04
21 Q Okay. Thank you. 18:04
22 Who is Kristinn Gudjonsson? 18:04
23 A That is a hard last name to pronounce. I'm 18:05
24 impressed. 18:05
25 I believe he is -- I'm not entirely sure of 18:05

1 substance of your discussions, have you ever discussed 18:24
2 with counsel the status of Mr. Levandowski's computer 18:24
3 workstation? 18:24
4 MS. ROBERTS: I think you can answer yes or 18:24
5 no. 18:24
6 THE WITNESS: Not that I recall. 18:24
7 MR. TAKASHIMA: Q. Did you ever discuss 18:24
8 Mr. Levandowski's computer workstation with 18:24
9 Mr. Gudjonsson? 18:24
10 A Not that I recall. 18:24
11 Q Did you ever discuss Mr. Levandowski's 18:24
12 computer workstation with Mr. Brown? 18:24
13 A No, nor do I recall who Mr. Brown is. 18:24
14 Q Do you recall providing Mr. Gudjonsson with a 18:24
15 **REDACTED** 18:24
16 A Yes. 18:24
17 Q Okay. Who generated that **REDACTED** 18:24
18 A That is a good question. I did, and I'm 18:24
19 trying to recall if I might have asked the business -- 18:25
20 leaders in the business for **REDACTED** 18:25
21 that Kristinn requested. 18:25
22 Q So, Mr. Gudjonsson requested **REDACTED** 18:25
23 **REDACTED** 18:25
24 A This is quite a conversation. 18:25
25 MS. ROBERTS: I'm going to caution you to -- 18:25

1 if this calls for information from -- from counsel, 18:25
2 that I'll object as privileged. 18:25
3 THE WITNESS: Thank you. 18:25
4 I believe the information that you're 18:25
5 requesting is privileged. 18:25
6 MR. TAKASHIMA: Q. Let me restate my 18:25
7 question, just so we can be sure. 18:25
8 A Okay. 18:25
9 Q Did Mr. Gudjonsson ask you for **REDACTED** 18:25
10 with respect to Mr. Levandowski? 18:25
11 A The information you're requesting would 18:25
12 require me to draw on information that I'm aware of as 18:25
13 a result of privileged communication with counsel. 18:26
14 Q Are you aware of that information only 18:26
15 because of privileged communications with counsel? 18:26
16 A I believe so, yes. 18:26
17 MR. TAKASHIMA: Counsel, is -- is the witness 18:26
18 able to answer the question yes or no? 18:26
19 MS. ROBERTS: The question is -- is -- 18:26
20 MR. TAKASHIMA: Q. Did Mr. Gudjonsson ask 18:26
21 you for **REDACTED** with respect to 18:26
22 Mr. Levandowski? 18:26
23 MS. ROBERTS: Well, she said she -- well, can 18:26
24 we take a break to discuss? 18:26
25 MR. TAKASHIMA: Sure. 18:26

1 THE VIDEOGRAPHER: Going off the record. The 18:26
2 time is 6:26 p.m. 18:26
3 (Recess taken.) 18:26
4 THE VIDEOGRAPHER: Back on the record. The 18:30
5 time is 6:30 p.m. 18:31
6 MR. TAKASHIMA: Okay. 18:31
7 Q Did Mr. Gudjonsson ask you for **REDACTED** 18:31
8 **REDACTED** 18:31
9 A Yes. 18:31
10 Q Okay. Did he say why he wanted it? 18:31
11 MS. ROBERTS: To the extent that would reveal 18:31
12 the content of privileged communication, then I 18:31
13 instruct you not to answer. 18:31
14 THE WITNESS: Answering that question would 18:31
15 rely on privileged information. 18:31
16 MR. TAKASHIMA: Okay. 18:31
17 Q So you're not going to answer the question? 18:31
18 A Correct. 18:31
19 Q Okay. But **REDACTED** -- he requested 18:31
20 **REDACTED** in -- as part of the investigation; 18:31
21 correct? 18:31
22 A Yes, that's my understanding. 18:31
23 Q Okay. **REDACTED** 18:31
24 MS. ROBERTS: Objection. 18:31
25 THE WITNESS: That's -- 18:31

1 MS. ROBERTS: Instruct her not to answer on 18:31
2 the basis of privilege. 18:31
3 MR. TAKASHIMA: Okay. 18:31
4 Q What did you understand that Mr. Gudjonsson 18:32
5 was going to do with **REDACTED** 18:32
6 MS. ROBERTS: Again, to the extent your 18:32
7 understanding is based upon conversations with counsel 18:32
8 and advice of counsel, I instruct you not to answer. 18:32
9 THE WITNESS: That's privileged information. 18:32
10 MR. TAKASHIMA: Okay. 18:32
11 Q What did Mr. Gudjonsson do with **REDACTED** 18:32
12 **REDACTED** 18:32
13 A I'm not sure. I don't know. 18:32
14 Q Did you ask him? 18:32
15 A I didn't ask him what he was going to do with 18:32
16 it. 18:32
17 Q Did he tell you? 18:32
18 A I don't recall exactly. I'm not -- yep. 18:32
19 Q Did you direct Mr. Gudjonsson not to 18:32
20 investigate Mr. Levandowski's computer workstation? 18:33
21 A No. 18:33
22 MS. ROBERTS: Objection; form. 18:33
23 THE WITNESS: Not to the best of my 18:33
24 recollection. 18:33
25 MR. TAKASHIMA: Okay. 18:33

CERTIFICATE OF REPORTER

I, ANDREA M. IGNACIO, hereby certify that the witness in the foregoing deposition was by me duly sworn to tell the truth, the whole truth, and nothing but the truth in the within-entitled cause;

That said deposition was taken in shorthand by me, a disinterested person, at the time and place therein stated, and that the testimony of the said witness was thereafter reduced to typewriting, by computer, under my direction and supervision;

That before completion of the deposition, review of the transcript [x] was [] was not requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto.

I further certify that I am not of counsel or attorney for either or any of the parties to the said deposition, nor in any way interested in the event of this cause, and that I am not related to any of the parties thereto.

Dated: 8/2/2017

A handwritten signature in blue ink, appearing to read 'Andrea M. Ignacio', is written over a horizontal line.

ANDREA M. IGNACIO,

RPR, CRR, CCRR, CLR, CSR No. 9830